



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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IN REPLY PLEASE

REFER TO FILE: **WM-9  
B546**

September 30, 2004

TO: Each Supervisor

FROM: Donald L. Wolfe  
Interim Director of Public Works

### **TOTAL MAXIMUM DAILY LOADS FOR METALS LOS ANGELES RIVER AND BALLONA CREEK**

On July 12, 2004, the Regional Water Quality Control Board circulated proposed metal TMDLs for the Los Angeles River and Ballona Creek. These TMDLs will set incremental limits on the amount of cadmium, copper, lead, selenium, silver, and zinc permitted in stormwater discharges to the River and Creek.

County Counsel and Public Works reviewed the metals TMDLs for their technical, legal, and procedural accuracies and potential impacts to the County. We have conveyed our significant concerns to the Regional Board in written comments and in oral testimony at their September 2, 2004, workshop. Most of our concerns are shared by cities, the County Sanitation Districts, municipal water treatment plant operators, various industry and trade groups, and others. The TMDLs would require extremely costly programs and structural Best Management Practices to reduce the amount of metals from stormwater runoff to the thresholds proposed.

In addition to the potential significant economic impacts to the County, our concerns are:

- The TMDLs are based on State water quality standards that are inappropriate for application to stormwater on both regulatory and scientific grounds.
- The proposed TMDLs would establish water quality limits for portions of the Los Angeles River and Ballona Creek that are not designated as "impaired" for metals.

- The TMDLs do not take into account the amount of metals that come from aerial deposition (metals found in the air that are washed down during rains) and metals that erode naturally from surrounding hillsides and mountains.
- The Regional Board has failed to consider whether current available technology for stormwater treatment is capable of reducing the amount of metals in stormwater to the levels that are being required in the TMDLs.
- The TMDLs would require costly stormwater monitoring programs without first having done a cost/benefit analysis of the programs.
- The Regional Board has failed to prepare an adequate environmental document in compliance with the California Environmental Quality Act.
- The Regional Board is requiring that the County, cities, and other affected groups comply with the TMDLs within unrealistic timeframes.

Regional Board staff is currently reviewing the numerous comments it has received and is preparing responses to those comments. We will review the revised TMDLs and will provide comments accordingly. However, due to the large number of comments received, we do not expect the revised TMDLs to be released for public comment or brought to the Regional Board for approval for several months. Based on testimony at the September 2 workshop, we understand that the Environmental Protection Agency will be promulgating its own metals TMDLs, similar to the Regional Board's versions, in order to comply with the schedule agreed to in the consent decree with Heal the Bay, Santa Monica BayKeeper, and the Natural Resources Defense Council.

We will continue to keep your Board apprised of the status and impact of these and other potential TMDLs being promulgated by the Regional Board.

If you have any questions, please call me at (626) 458-4002 or your staff may contact Rod Kubomoto at (626) 458-4300.

Cl:sw/ro  
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cc: Chief Administrative Office  
Executive Office  
County Counsel (Judith Fries)